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A/49/826
~~S/1995/29~~
12 January 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 11 January 1995 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to transmit the attached Declaration on the Prevention of Genocide against Bosniacs and Croats in Bosnia and Herzegovina, adopted by the Parliament of the Republic of Bosnia and Herzegovina on 17 December 1994.

May I ask for your kind assistance in circulating the present letter and the Declaration as a document of the forty-ninth session of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

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ANNEX

Declaration on the Prevention of Genocide against Bosniacs and Croats in Bosnia and Herzegovina, adopted by the Parliament of the Republic of Bosnia and Herzegovina on 17 December 1994

In accordance with the Constitution of the Republic of Bosnia and Herzegovina - the revised text - article 314, paragraph 2, as well as in accordance with the rules of procedure of the Parliament of the Republic of Bosnia and Herzegovina, article 151, the Parliament of the Republic of Bosnia and Herzegovina, at the plenary session of its Council held on 17 December 1994, adopted the following

DECLARATION

ON THE PREVENTION OF GENOCIDE AGAINST BOSNIACS AND CROATS IN BOSNIA AND HERZEGOVINA

Soon, it will be the one thousandth day since the beginning of the brutal aggression against the Republic of Bosnia and Herzegovina, an internationally recognized country and a State Member of the United Nations.

The aggression has been launched by the former Yugoslav Army, while the war against our country has been organized and led by Serbia and Montenegro including, besides their own groups, the extreme separatist organization of the Bosnian Serbs.

A month ago, the aggression was extended because even the rebel Serbs from the United Nations Protected Areas (UNPAs) in Croatia crossed the border of Bosnia and Herzegovina using aircraft, tanks, infantry and all the means available, as they attacked the safe area of Bihać.

This is not just an ordinary war. In Bosnia and Herzegovina the aggressor is waging war against civilians, committing the crime of genocide against Bosniacs and Bosnian Croats.

The Serbian aggressor has publicly proclaimed its main objective, i.e., the extermination of Bosniacs and Bosnian Croats in the territories it occupied. In order to achieve this objective, massive killings were carried out among the unprotected civilians, women, children and elderly people.

The concentration camps, the pictures of which horrified the civilized world, were established. For that reason, the big concentration camps were, in the meantime, replaced by some 150 smaller detention camps where Bosniacs and Croats were getting killed daily in the most atrocious way.

The aggressor has been holding under siege, for nearly two years, the towns of Sarajevo, Gorazde, and Srebrenica, the Bihać region and other places, where there are more than 600,000 Bosniacs and Croats.

People in the besieged areas do not get any food, water, electricity, medicine or other most basic commodities.

Hundreds of humanitarian convoys get either returned or seized by the aggressor despite the presence of the United Nations forces. Surrounded areas are exposed to daily artillery shelling with the main purpose of killing as many Bosniacs and Croats as possible.

The Bosniacs and Croats within the encircled areas are intentionally exposed to such living conditions with the aim of having them exterminated. Here, the crime of genocide, broadcast by television cameras throughout the whole world, is taking place.

Therefore, we invoke the Convention on the Prevention and Punishment of the Crime of Genocide and ask for the support of all countries, States Members of the United Nations.

For the sake of preventing further genocide in Bosnia and Herzegovina, we expect from all democratic countries the following:

- To have all parliaments express their moral and political condemnation of the genocide against Bosniacs and Bosnian Croats;
- To send to Bosnia and Herzegovina, immediately, independent experts who are to establish facts on genocide and offer help in preventing and punishing the crime of genocide;
- To enable public presentation of information on genocide through the press, radio and television;
- To contribute to creating conditions necessary for the efficient work of the International Tribunal;
- To support the claims for preventing genocide which the Government of the Republic of Bosnia and Herzegovina is to forward to the United Nations, in accordance with article 8 of the Convention on the Prevention and Punishment of the Crime of Genocide;
- To deprive the perpetrators of genocide and their accomplices of any assistance, and to stop all kinds of cooperation with them.

It is your obligation, in compliance with international law, to help the people that are getting killed just because they are Bosniacs or Bosnian Croats. If the crime of genocide is not prevented and punished now, that will mean that genocide, as a way of accomplishing political goals, is being legalized and that the rules of international law are completely defeated.

This Declaration is to be forwarded to the parliaments of all States Members of the United Nations.

(Signed) Miro LAZOVIĆ
President

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13 January 1995

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS: ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

Memorandum by the Secretary-General

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I. INTRODUCTION

1. By a communication dated 28 September 1994, the Registrar of the International Court of Justice informed the Secretary-General of the death of Judge Nikolai Konstantinovitch Tarassov (Russian Federation) on that date and of the resulting occurrence of a vacancy in the Court. Judge Tarassov became a member of the Court on 9 December 1985 and was re-elected as from 6 February 1988. His term of office would have ended on 5 February 1997. According to Article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in Article 5. According to Article 5, the invitations for nominations have to be made at least three months before the date of the election, which shall, pursuant to Article 14, be fixed by the Security Council.

2. By a note dated 20 October 1994 addressed to the Security Council, the Secretary-General drew its attention to Article 14 of the Statute of the Court regarding fixing the date of the election to fill the vacancy in the International Court of Justice (S/1994/1188). Pursuant to Article 14 of the Statute of the Court, the Security Council decided by its resolution 951 (1994) of 21 October 1994 that the election to fill the vacancy should take place on 26 January 1995, at a meeting of the Security Council and at a meeting of the General Assembly at its forty-ninth session. Pursuant to rule 15 of its rules of procedure, the General Assembly, at its 93rd meeting, held on 20 December 1994, decided to include in the agenda of the forty-ninth session an additional sub-item under agenda item 15, "Elections to fill vacancies in principal organs", reading as follows: "(c) Election of a member of the International Court of Justice" (see A/49/239 and A/49/PV.93).

3. Pursuant to Article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 21 October 1994, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 10 January 1995. A list of the nominations received by that date and the curriculum vitae of the candidate received are transmitted in separate documents to the General Assembly and the Security Council (A/49/828-S/1995/34 and A/49/829-S/1995/35, respectively). The name of the candidate will appear on the ballot papers to be distributed during the election.

4. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term. The member elected to replace Judge Nikolai Konstantinovitch Tarassov will thus serve until 5 February 1997.

5. The present composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

II. COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE

6. The present composition of the International Court of Justice is as follows:

President: Mr. Mohammed Bedjaoui (Algeria)*

Vice-President: Mr. Stephen M. Schwebel (United States of America)*

Judges: Shigeru Oda (Japan)**
Roberto Ago (Italy)*
Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland)***
Gilbert Guillaume (France)***
Mohammed Shahabuddeen (Guyana)*
Andrés Aguilar Mawdsley (Venezuela)***
Christopher Weeramantry (Sri Lanka)***
Raymond Ranjeva (Madagascar)***
Géza Herczegh (Hungary)**
Shi Jiuyong (China)**
Carl-August Fleischhauer (Germany)**
Abdul G. Koroma (Sierra Leone)**

III. PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL

7. The election will take place in accordance with the following provisions:

(a) The Statute of the Court, in particular Articles 2 to 4, 7 to 12 and 14;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

8. In accordance with General Assembly resolution 264 (III) of 8 October 1948, Nauru and Switzerland, which are parties to the Statute of the Court but not members of the United Nations, have been invited to participate in the General Assembly in electing members of the Court in the same manner as the States Members of the United Nations.

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* Term of office expires on 5 February 1997.

** Term of office expires on 5 February 2003.

*** Term of office expires on 5 February 2000.

9. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect a member of the Court to fill the vacancy (Art. 8 of the Statute).

10. According to Article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered as elected (Art. 10, para. 1, of the Statute).

12. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors. The electors in the General Assembly are all the Member States, together with the two non-member States mentioned in paragraph 8 above that are parties to the Statute of the Court. Accordingly, as at the date of the present memorandum, 94 votes constitute an absolute majority in the Assembly for the purpose of the Court election.

13. In the Security Council, eight votes constitute an absolute majority and no distinction is made between permanent and non-permanent members of the Council (Art. 10, para. 2, of the Statute).

14. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.

15. If in the first ballot in either the General Assembly or the Security Council no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

16. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President of the second organ to the members until that organ has itself given a candidate the required majority of votes.

17. If, upon comparison of the name of the candidate so selected by the General Assembly and by the Security Council, it is found that the result is different, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting, to elect one candidate

by further ballots, the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary, the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

18. If, however, after the third meeting the vacancy still remains unfilled, the special procedure set out in Article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS: ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

List of candidates nominated by national groups

Note by the Secretary-General

1. By a communication dated 21 October 1994, addressed to States parties to the Statute of the International Court of Justice, the Secretary-General drew attention to the vacancy in the International Court of Justice caused by the death of Judge Nikolai Kostantinovitch Tarassov (Russian Federation) on 28 September 1994. In the same communication, the Secretary-General, in accordance with article 5, paragraph 1, of the Statute of the Court, invited the national groups of States parties to the Statute to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 10 January 1995.

2. In accordance with article 7 of the Statute of the Court, the Secretary-General has the honour to submit to the General Assembly and to the Security Council the candidate nominated by the national groups:

Name and nationality	Nominated by the national group of
Vladlen S. Vereshchetin (Russian Federation)	Austria China India Italy Netherlands Russian Federation Slovakia Spain United Kingdom of Great Britain and Northern Ireland United States of America

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS: ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

List of candidates nominated by national groups

Note by the Secretary-General

Further to the note by the Secretary-General of 13 January 1995 (A/49/828-S/1995/34), which contained the name of the candidate nominated by national groups and the nominations received as at 10 January 1995, the deadline for receiving them, the following nomination should be added:

Name and nationality	Nominated by the national group of
Vladlen S. Vereshchetin (Russian Federation)	France

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN
PRINCIPAL ORGANS: ELECTION
OF A MEMBER OF THE INTERNATIONAL
COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

Curriculum vitae of the candidate nominated by national groups

Note by the Secretary-General

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I. INTRODUCTION

The Secretary-General has the honour to submit to the General Assembly and the Security Council the curriculum vitae of the candidate nominated by national groups for the election to fill a casual vacancy in the International Court of Justice caused by the death, on 28 September 1994, of Judge Nikolai Konstantinovitch Tarassov (Russian Federation). The name of the candidate nominated for this election has been circulated in document A/49/828-S/1995/34. The composition of the Court and the voting procedures to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/49/827-S/1995/33.

II. CURRICULUM VITAE

VERESCHETIN, Vladlen Stepanovich

(Russian Federation)

Born on 8 January 1932 at Briansk, USSR.

Married, one daughter.

Current professional and public activity

I. Deputy Director and Head of the International Law Department of the Institute of State and Law, Russian Academy of Sciences, Moscow (1981-present).

Chairman of the United Nations International Law Commission (May 1994-present), member of the Commission (since 1992).

II. Vice-President of the Russian (formerly Soviet) Association of International Law (1985-present).

Chairman of the Scientific Council on International and Comparative Law at the Institute of State and Law, Russian Academy of Sciences (1981-present).

Member, Permanent Court of Arbitration at The Hague (1984-present).

Vice-President, Honourary Director of the International Institute of Space Law (1978-present).

Member, Policy and Finance Committee of the International Law Association (1990-present).

Vice-President of the Russian (formerly Soviet) United Nations Association (1984-present).

Positions previously held

Staff member of the Presidium of the USSR Academy of Sciences (1958-1967).

First Vice-Chairman and Legal Counsel, Intercosmos, USSR Academy of Sciences (1967-1981).

Professor of International Law at the University of Friendship of Peoples (1979-1982).

Member or head of the USSR delegations to the United Nations Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee (1979-1990).

Distinguished Visiting Professor, Holder of the Brennan Chair of Law at the Law School of the University of Akron, United States of America (1991).

Legal education and other types of teaching and academic activity

Graduated from the International Law Faculty of the Moscow Institute of International Relations (1954).

Post-graduate studies in international law at the same Institute (1955-1958).

Candidate of Juridical Sciences (1959).

Doctor of Juridical Sciences (1976).

Professor of International Law (1982).

Has given lecture courses and individual lectures on the theory of international law, the peaceful settlement of international disputes, the law of the sea, outer space law and the law of international organizations at the Institute of International Relations, the Diplomatic Academy and the University of Friendship of Peoples (Moscow), the Sverdlovsk Juridical Institute, the Institute of International Public Law and International Relations (Thessaloniki, Greece), the European University Institute (Florence, Italy), the Universities of Akron and Mississippi (United States) and the Institute of International Private and Public Law (The Hague, Netherlands).

Has presented papers on different international law subjects at many international congresses and conferences.

Member of the editorial boards of the Russian Law Journal, the European Journal of International Law (Italy) and the Journal of Space Law (United States).

Awards and decorations

USSR national orders: "Badge of Honour" (1967), "Friendship of Peoples" (1975), "October Revolution" (1981).

Award of the International Academy of Astronautics for services in the field of social sciences (1987).

Honourary Awards of the German Academy of Sciences at Berlin (1978) and the Bulgarian Academy of Sciences (1979).

Main publications

I. Books

"Freedom of Navigation on the High Seas", Moscow, 1958 (in Russian).

"Outer Space, Cooperation, Law", Moscow, 1974 (in Russian).

"International Cooperation in Outer Space (Legal Issues)", Moscow, 1977 (translated into English in the United States in 1981).

"Legal Problems of Manned Space Flights", Moscow, 1986 (in Russian). Editor and co-author.

"Prevention of an Arms Race in Outer Space (International Legal Aspects)", Geneva, 1966 (in English).

"The Comprehensive System of International Security and International Law", Moscow, 1987 (in Russian). Editor and co-author.

"New Developments in Space Law", Moscow, 1990 (in Russian). Editor and co-author.

"Perestroika and International Law, Current Anglo-Soviet Approaches to International Law" (in English), Edinburgh, 1990. Co-author.

"International Law" (university text-book), ed. G. Tunkin, 1982 (first ed.), 1994 (second ed.), 1990 (edition in English). Co-author.

"From Co-existence to Cooperation. International Law and Organization in the Post-Cold-War Era" (in English), the Netherlands, 1991. Co-editor and co-author.

"International Law", seven-volume course, Moscow, 1989-1993 (in Russian). Deputy Editor-in-Chief of the Course, editor of the fifth volume, co-author.

II. More than 150 articles in law journals and contributions to collective works on the theory of international law, the law of the sea, space law, state responsibility, international criminal law and constitutional law in Russia, Bulgaria, Canada, France, Germany, India, Italy, Japan, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, the United States and other countries. Among the most recent: "International Law in an Interdependent World" (with R. Mullerson), in Columbia Journal of Transnational Law, 1990; "The 'Common Legal Field' of the Contemporary World", in Soviet Journal of International Law, 1991; "Open Skies: The Metamorphosis of a Concept" (essays in honour of Henry A. Wassenbergh), 1992; "An International Criminal Court: New Prospects?", in Moscow Journal of International Law, 1993; "Environmental Risks Arising out of Space Activities and their Legal Mitigation", in Diritto dello spazio. Resenti sviluppi e prospettive, Padova, 1994; "New Developments in the Codification of the Law of State Responsibility", in Russian Yearbook of International Law, 1994; and "Some Observations on the New Proposal on Dispute Settlement", in European Journal of International Law, 1994.

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17 January 1995

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 10
REPORT OF THE SECRETARY-GENERAL ON
THE WORK OF THE ORGANIZATION

SECURITY COUNCIL
Fiftieth year

Letter dated 16 January 1995 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I wish to clarify my position on your supplement to "An agenda for peace" released a few days ago, in which reference was made to the unjustifiable resolution of the Security Council adopted in 1950 about the Korean peninsula (see A/50/60-S/1995/1, para. 78).

It is unreasonable to include the sentence "the Security Council authorized a group of willing Member States to undertake enforcement action in the Korean peninsula" in section III, subsection F, entitled "Enforcement action" of the supplement to "An agenda for peace" as it attempts to legalize the fact that the name of the United Nations was usurped to launch an aggressive war against the Democratic People's Republic of Korea.

The Security Council resolution which allowed the United States of America to provoke an aggressive war against the Democratic People's Republic of Korea by usurping the name of the United Nations runs against the objectives and principles of the Charter of the United Nations. The obvious fact that the Security Council adopted its resolution in violation of paragraph 3 of Article 27 of the Charter of the United Nations, which provides that decisions of the Security Council should be made by an affirmative vote of nine members including the concurring votes of the permanent members, cannot be justified whatsoever.

Therefore, the attempt to discuss this tragic incident, which was a remnant of the cold war and by which the name of the United Nations was disgraced, under the category of "An agenda for peace" can only be construed as that lurking behind it lies a dishonest political objective.

The new situation after the cold war demands the establishment of a new peace arrangement in the Korean peninsula.

The Government of the Democratic People's Republic of Korea has already put forward an initiative to establish a new peace arrangement in the Korean peninsula and has consistently striven towards its implementation. To establish a peace mechanism in the Korean peninsula is an issue that should be resolved between the Democratic People's Republic of Korea and the United States of America.

The United Nations should take a decisive measure to dissolve "the United Nations Command", which was illegally created by using the name of the United Nations and practically neither belongs to nor obeys instructions from the United Nations, and liquidate an unsavoury past with us so that a favourable atmosphere for the new peace arrangement could be created.

I therefore strongly request you to delete the reference to the Korean peninsula from the supplement to "An agenda for peace" and pay due consideration to my request.

I would be grateful if you have this letter circulated as a document of the forty-ninth session of the General Assembly, under agenda item 10, and of the Security Council.

(Signed) PAK Gil Yon
Permanent Representative

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~~S/1995/50~~
18 January 1995

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 40
QUESTION OF PALESTINE

SECURITY COUNCIL
Fiftieth year

Letter dated 17 January 1995 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to express the greatest concern at the growing Israeli settlement activity in the occupied West Bank in recent months.

On 17 September, Agence France-Presse reported that the Israeli Housing Ministry had given the green light for the construction of 1,050 new housing units in the West Bank settlement of Betar, south of Bethlehem. According to the same source, the Ministry announced that thousands more houses would be built in the West Bank along the pre-1967 cease-fire line with Israel, "effectively ending a building freeze announced by Prime Minister Rabin shortly after he returned to power in June 1992".

The November issue of Israeli Settlement, a Washington-based bimonthly publication of the Foundation for Middle East Peace, reported that as at 1 November 1994, 3,900 new housing units had been completed in the West Bank and the Gaza Strip and that 15,000 units were planned to be constructed through 1997 in the "Greater Jerusalem" settlements of Maaleh Adumim and Givat Zeev, north and east of Jerusalem. According to The Christian Science Monitor of 4 January 1995, another 80,000 settlers would be settled on expropriated Arab land in Jerusalem and its environs.

On 22 December 1994, the daily Ha'aretz reported that settlers from Efrat had started preparation work for the establishment of a new settlement, Givaat Tamar, on nearby land confiscated from the West Bank village of El-Khadr south of Bethlehem. The same newspaper reported on 1 January 1995 that 200 dunums of land belonging to Kufr El-Labad near Tulkarm had been confiscated by

the military authorities to be used for the expansion of the Jewish settlement of Avnei Khefetz. These developments have triggered widespread demonstrations by Palestinians and Israeli peace activists, highlighting the importance of the settlement issue for the future exercise of Palestinian rights and the peace process itself.

On behalf of the Committee, I would like to recall that the Security Council, in its resolution 465 (1980) of 1 March 1980 and other resolutions, determined that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, have no legal validity, are in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.

The Committee considers that the growing expansion and consolidation of settlements create facts on the ground inconsistent with Security Council resolutions 242 (1967) and 338 (1973), which the current peace process seeks to implement, and seriously compromise the agreements reached between Israel and the Palestine Liberation Organization. Noting the similar concerns expressed by the Council of the Arab League in its resolution of 5 January 1995 and by the Permanent Observer of Palestine in his letter to you of 9 January 1995 (A/49/824-S/1995/14), the Committee wishes to join them in appealing to you, to the Security Council, to the co-sponsors of the peace process and all others concerned to exert their influence on the Israeli Government to end its settlement policy, as an indispensable step towards the attainment of the just and lasting peace we are all working for.

I should be grateful if you would have the present letter circulated as a document of the forty-ninth session of the General Assembly, under agenda item 40, and of the Security Council.

(Signed) Kéba Birane CISSÉ
Chairman
Committee on the Exercise of
the Inalienable Rights of
the Palestinian People

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19 January 1995

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 19 January 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I am writing to you concerning the letter dated 11 January 1995 from the Muslim representative of Bosnia and Herzegovina addressed to you transmitting the "Declaration on the Prevention of Genocide against Bosniacs and Croats in Bosnia and Herzegovina, adopted by the Parliament of Bosnia and Herzegovina on 17 December 1994" (A/49/826-S/1995/29), and upon instructions of my Government, I have the honour to state the following.

The Declaration contains a series of erroneous assertions and unfounded allegations about the nature and the causes of the conflict in Bosnia and Herzegovina with the explicit intent of accusing the Serbs and the Federal Republic of Yugoslavia for the alleged aggression and atrocities in this former Yugoslav republic.

However, there is a growing awareness in the international community that the crisis in Bosnia and Herzegovina is not a case of aggression but a civil war among its three constituent peoples. That has been confirmed by Lord Carrington, French Foreign Minister Alain Juppe, Italian Foreign Minister Gianni de Michelis, Russian Foreign Minister Andrey Kozyrev, former Secretary of State of the United States of America James Baker and others.

It is known that the soldiers of the former Yugoslav People's Army (JNA), who were nationals of the Federal Republic of Yugoslavia, were withdrawn from Bosnia and Herzegovina in May 1992. That has been confirmed in the reports of the Secretary-General to the Security Council.

The Serbs can never be labelled as aggressors because they have lived in the territory of Bosnia and Herzegovina for centuries and have owned 64 per cent of its land. Following the one-sided and unconstitutional secession of the

Muslims and Croats in Bosnia and Herzegovina from the Former Socialist Federal Republic of Yugoslavia, the Serbs, as a constituent people of this former Yugoslav republic, were forced to fight for survival and protection of their cultural identity and the right to self-determination. Opposed to the secession, they have been striving to safeguard constitutional order and the rule of law, embracing a democratic solution to the crisis based on the fundamental right to equality among all constituent peoples, which the representatives of Croats and Muslims refused to accept.

The so-called Parliament of Bosnia and Herzegovina represents only the Croats and Muslims. From the Declaration it is evident that the Serbs in Bosnia and Herzegovina do not exist for this "Parliament".

The allegations contained in the Declaration to the effect that the victims of the civil war were only the Croats and Muslims are absurd, to say the least. What, in the eyes of the Muslim-Croat Parliament, do the more than 100,000 Serbs that lost their lives in the civil war in Bosnia and Herzegovina represent? The Muslim representative of Bosnia and Herzegovina informed the President of the Security Council about this in his letter of 22 December 1994 (S/1994/1444).

The Declaration alleges that the Croats and Muslims have been detained in 150 camps. On the other hand, the Declaration makes no mention whatsoever about 152 camps run by the Croat-Muslim authorities in Bosnia and Herzegovina where the Serbs have been detained. The Government of the Federal Republic of Yugoslavia transmitted to the Secretary-General the evidence of the above in its fourth report on the war crimes committed in the territory of the former Socialist Federal Republic of Yugoslavia (A/49/801-S/1994/1436).

The international community and its members have legal, political and, above all, moral responsibility to undertake all measures with a view to preventing genocide and punishing all those who perpetrate it. The question is why the Declaration of the Muslim-Croat Parliament insists on condemning the alleged genocide committed only against the Croats and the Muslims instead of seeking that all instances of genocide in Bosnia and Herzegovina be condemned and that its perpetrators punished, regardless of their nationality.

I should be grateful if you would have the present letter circulated as an official document of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

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COMMEMORATION OF THE FIFTIETH ANNIVERSARY OF THE UNITED NATIONS IN 1995

Letter dated 21 January 1995 from the Chargé d'affaires a.i. of the Permanent Mission of India to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 29 December 1994 from H.E. Mr. K. R. Narayanan, Vice-President of India and Chairman of Rajya Sabha (Upper House of Parliament) (annex I) as well as a letter dated 28 December 1994 from H.E. Mr. Shivraj V. Patil, Speaker of the Lok Sabha (Lower House of Parliament), also addressed to you (annex II).

I should be grateful if you would have the present letter and its annexes circulated as a document of the General Assembly under agenda item 44.

(Signed) T. P. SREENIVASAN
Ambassador
Acting Permanent Representative

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ANNEX I

Letter dated 29 December 1994 from the Vice-President of India and Chairman of the Upper House of Parliament addressed to the Secretary-General

Rajya Sabha, the Upper House of the Parliament of India, unanimously adopted a resolution on Thursday, 22 December 1994, to commemorate the fiftieth anniversary of the United Nations. A copy of the resolution is enclosed for your information (see appendix).

I would like to take this opportunity to assure you of the continued and constructive cooperation of India in the activities of the United Nations.

(Signed) K. R. NARAYANAN
Vice-President of India
and Chairman, Rajya Sabha

APPENDIX

EXTRACTS FROM THE PROCEEDINGS OF THE MEETING OF THE RAJYA SABHA HELD ON 22 DECEMBER 1994

Resolution on the fiftieth anniversary of the United Nations

Mr. Chairman (Vice President, Shri K. R. Narayanan): Honourable Members, I have a resolution to put before the House. As Honourable Members are aware, on 24 October 1994, the United Nations Organization entered into the fiftieth year of its existence.

I take this opportunity to place before the House the following resolution to commemorate the fiftieth anniversary of the United Nations, which I hope will be unanimously endorsed by all sections of the House:

THIS HOUSE:

Recalling the determination of the peoples of the world, in the aftermath of the Second World War, to save future generations from the scourge of war through the establishment of the United Nations as a forum for resolving global problems and for the betterment of conditions of economic and social well-being through cooperative action;

Conscious of the unique contribution made by this world Organization over the last forty-nine years to peace, security and development;

Also conscious that notwithstanding the efforts of the United Nations, international economic relations continue to be characterized by inequality, domination and exploitation, eradication of poverty remains a distant goal, and serious armed conflicts persist in the world;

Considering that the fiftieth anniversary of the United Nations provides an important occasion for Governments and peoples around the world to rededicate themselves to the purposes and principles of the United Nations and to reaffirm their commitment to work for ushering in a new era of global peace and economic and social development of all peoples on the basis of equality and justice;

(1) Welcomes the decision of the United Nations General Assembly to commemorate the fiftieth anniversary in an appropriate manner in furtherance of the theme "We the peoples of the United Nations ... United for a better world";

(2) Reiterates its belief that as the United Nations, the embodiment of multilateralism, is uniquely placed to promote a more just, equitable, prosperous and secure world order, it should be strengthened to reflect current political and economic realities and to contribute to enhancing the common welfare on the basis of international cooperation, mutual respect and global partnership;

(3) Reaffirms our abiding commitment to the United Nations, and reiterates our determination to build upon the achievements of the United Nations and to

utilize its potential in order to advance our shared aspirations of peace, security and prosperity;

(4) Hopes that the restructuring and strengthening of the United Nations, including the Security Council, will reflect current realities and enable it to realize the principles and purposes enshrined in its Charter, for the promotion of peace and progress of all humankind.

I hope the House will adopt this resolution.

The resolution was adopted.

ANNEX II

Letter dated 28 December 1994 from the Speaker of the Lower House of Parliament addressed to the Secretary-General

Lok Sabha (the House of the People), Parliament of India, unanimously adopted a resolution on Thursday, 22 December 1994, to commemorate the fiftieth anniversary of the United Nations. A copy of the resolution is enclosed for your information (see appendix).

I would like to take this opportunity to assure you of the continued and constructive cooperation of India in the activities of the United Nations.

(Signed) Shivraj V. PATIL
Speaker, Lok Sabha

APPENDIX

Resolution

This House:

Recalling the determination of the peoples of the world, in the aftermath of the Second World War, to save future generations from the scourge of war through the establishment of the United Nations as a forum for resolving global problems and for the betterment of conditions of economic and social well-being through cooperative action;

Conscious of the unique contribution made by this world Organization over the last forty-nine years to peace, security and development;

Also conscious that notwithstanding the efforts of the United Nations, international economic relations continue to be characterized by inequality, domination and exploitation, eradication of poverty remains a distant goal, and serious armed conflicts persist in the world;

Considering that the fiftieth anniversary of the United Nations provides an important occasion for Governments and peoples around the world to rededicate themselves to the purposes and principles of the United Nations and to reaffirm their commitment to work for ushering in a new era of global peace and economic and social development of all peoples on the basis of equality and justice;

(1) Welcomes the decision of the United Nations General Assembly to commemorate the fiftieth anniversary in an appropriate manner in furtherance of the theme "We the peoples of the United Nations ... United for a better world";

(2) Reiterates its belief that as the United Nations, the embodiment of multilateralism, is uniquely placed to promote a more just, equitable, prosperous and secure world order, it should be strengthened to reflect current political and economic realities and to contribute to enhancing the common welfare on the basis of international cooperation, mutual respect and global partnership;

(3) Reaffirms our abiding commitment to the United Nations, and reiterates our determination to build upon the achievements of the United Nations and to utilize its potential in order to advance our shared aspirations of peace, security and prosperity;

(4) Hopes that the restructuring and strengthening of the United Nations, including the Security Council, will reflect current realities and enable it to realize the principles and purposes enshrined in its Charter, for the interest of peace and progress of all humankind.